



California Fair Political Practices Commission

August 13, 1987

Clayton P. Roche
Deputy Attorney General
Department of Justice
350 McAllister Street, Room 6000
San Francisco, CA 94102

Re: Your Opinion No. 87-602; Our File No. I-87-196

Dear Mr. Roche:

You have written soliciting the Commission's views regarding a pending opinion request from the City of Los Angeles. The request seeks your office's input regarding the interrelationship of Elections Code Section 11800 and Los Angeles City Charter Section 312(c)(1). The Commission has no views regarding that specific question. However, we do wish to apprise you of the fact that Section 11800 has been repealed by Chapter 230, Statutes 1987. This repeal will be effective January 1, 1988.

The Commission will soon begin considering possible amendments to its regulation 2 Cal. Adm. Code Section 18901 now that both state and local government officials are covered by the provisions of Government Code Section 89001.

I trust that you will find this information useful in your endeavors. Should you have any questions, please do not hesitate to call me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in dark ink, appearing to read "Robert E. Leidigh", is written over the typed name.

By: Robert E. Leidigh
Counsel, Legal Division

REL:km

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



350 McALLISTER STREET, ROOM 6000
SAN FRANCISCO 94102
(415) 557-2544
(415) 557-1586

June 22, 1987

John H. Larson, Chairman
Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Dear Mr. Larson:

Re: Opinion No. 87-602

Our opinion has been requested as follows with respect to section 11800 of the Elections Code as it may pertain to candidates for various city offices in Los Angeles.

"Section 11800 prohibits mass mailings at public expense after an elected official has filed a declaration of candidacy, 'or any other paper evidencing an intention to be a candidate for any local, state, or federal office.'

"Los Angeles' political reform law, which was enacted in 1985, provides that candidates for office before soliciting and receiving campaign contributions must file a 'declaration of intent to solicit and receive contributions in connection with candidacy for specific elective City office.' (Los Angeles City Charter, Section 312 (c) (1)). The question that I would like you to research is whether the filing of this 'declaration of intent to solicit and receive contributions' constitutes a 'paper evidencing an intention to be a candidate for any local ... office' and, therefore, would prohibit the sending of newsletters or other mass mailing at public expense."

In accordance with our policy to request views of interested parties and associations, you are invited to submit whatever views you may have on this request.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General


CLAYTON P. ROCHE
Deputy Attorney General

CPR:IS
Encl.

(c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

(Added by Stats.1976, c. 224, § 4.)

Historical Note

Derivation: Former § 12058, added by Stats.1974, c. 681, p. 1546, § 1.

Former § 12059, added by Stats.1974, c. 681, p. 1547, § 2.

Library References

Elections ☞ 161, 309.

C.J.S. Elections §§ 149, 324, 334.

Chapter 2.5

MASS MAILING

Sec.

11800. Mass mailings at public expense; prohibition.

11801. Mass mailing.

11802. Application to chartered cities.

11803 to 11892. Repealed.

Chapter 2.5. was added by Stats.1976, c. 1260, § 1.

§ 11800. Mass mailings at public expense; prohibition

No newsletter or other mass mailing shall be sent at public expense by or in behalf of an elected city, county, or district official, including an official of a chartered city or chartered county, to any person residing within the jurisdiction from which he or she was elected or to which he or she seeks election, after the elected official has filed a declaration of candidacy, nomination paper, affidavit of acceptance of sponsor's declaration, acceptance of nomination, or any other paper evidencing an intention to be a candidate for any local, state, or federal office.

(Added by Stats.1976, c. 1260, § 1.)

Historical Note

Former § 11800, enacted by Stats.1961, c. 23, p. 751, § 11800, amended by Stats. 1969, c. 106, p. 239, § 2; Stats.1970, c. 370, p. 704, § 1, relating to use of defini-

tions for construction of the chapter, was repealed by Stats.1973, c. 1186, p. 2472, § 1; Initiative Measure June, 4, 1974. See, now, Gov.C. § 82000.

Library References

Elections ☞ 317.

C.J.S. Elections §§ 329, 356.

Notes of Decisions

I. In general

In the absence of California law regulating campaign contributions by labor organizations, the propriety of contributions for or against state or local ballot mea-

asures appears to be governed by objectives for which the labor organization has been formed. 55 Ops.Atty.Gen. 421, 12-21-72.

§ 11801. Mass mailing

"Mass mailing" means identical or nearly identical pieces of mail in an amount which, in any month, exceeds 1 percent of the population of the jurisdiction from which the official was elected, according to the latest federal census, or which, in the 30 days preceding a local election, exceeds 200 pieces, but does not include a form letter or other mail which is sent in response to a letter or inquiry or an official mailing required by law.

(Added by Stats.1976, c. 1260, § 1.)

Historical Note

Former § 11801, enacted Stats.1961, c. 23, p. 751. § 11801, amended by Stats. 1963, c. 436, p. 1269, § 1; Stats.1965, c. 291, p. 1290, § 1; Stats.1969, c. 106, p. 239, § 3, derived from Elec.C.1939, § 4751, Stats.1939, c. 26, p. 195; Stats.1923, c. 391, p. 847, § 1, Stats.1921, c. 583, p. 983, § 1, defining "association", was repealed by Stats.1973, c. 1186, p. 2472, § 1; Initiative Measure June 4, 1974.

Elec.C.1939, § 5551 (Stats.1939, c. 26, p. 208).

Pol.C. § 1210, amended by Stats.1891, c. 130, p. 175, § 26; Stats.1899, c. 101, p. 139, § 7; Stats.1911, c. 442, p. 893, § 1; Stats.1911, Ex.Sess., c. 45, p. 189, § 1; Stats.1913, c. 638, p. 1170, § 1; Stats. 1915, c. 508, p. 837, § 1; Stats.1929, c. 749, p. 1424, § 10; Stats.1931, c. 250, p. 430, § 3.

Cross References

Appointment of precinct boards, see §§ 1638, et seq., 22050 et seq.
Change of polling place, see § 1650.
Election days, § 2500 et seq.
Precinct boards generally, see § 1630 et seq.

Library References

Elections 197.

C.J.S. Elections §§ 192, 196.

§ 11802. Application to chartered cities

The Legislature hereby finds and declares that the provisions of this chapter constitute a matter of statewide concern. Accordingly, it is the intent of the Legislature that this chapter apply to chartered cities.

(Added by Stats.1976, c. 1260, § 1.)

Historical Note

Former § 11802, enacted by Stats.1961, c. 23, p. 751. § 11802, amended by Stats. 1970, c. 379, p. 794, § 2, derived from Elec.C.1939, § 4752, Stats.1939, c. 26, p. 198; Stats.1923, c. 391, p. 847, § 1;

Stats.1921, c. 583, p. 983, § 1, defining "expenses", was repealed by Stats.1973, c. 1186, p. 2472, § 1; Initiative Measure June 4, 1974.



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Clayton P. Roche
Deputy Attorney General
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I trust that you will find this information useful in your endeavors. Should you have any questions, please do not hesitate to call me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division


REL:km

Memorandum

To : Gregory Baugher, Executive Director

Date : July 6, 1987

From : FAIR POLITICAL PRACTICES COMMISSION

John H. Larson, Chairman 

Subject: Opinion No. 87-602

Attached hereto is a request from the Attorney General regarding Opinion No. 87-602. I think it is of no concern of this office, and we should not spend any time researching it.

Attachment